

F. Nurses;

G. Aides (Medical);

H. Medical Field Workers (i.e. family planning, child health, etc.);

I. Medical Investigators (i.e. Medicaid, V.D., etc.).

.. MAINTAINING AND ASSURING COMPLIANCE

The following methods will be utilized for maintaining and assuring compliance with Title VI of the 1964 Civil Rights Act:

1. Local Health Departments and Clinics

Maintaining and assuring compliance in Local Health

Departments will be accomplished in the following manner:

A. Each Local Health Department will have an assigned Civil Rights Coordinator with the duties outlined in a previous section of this document;

B. The Division of Internal Audit of the Tennessee Department of Public Health will conduct an on-site review of those facilities regularly visited each year utilizing a preprinted form designed and approved by the Office for Civil Rights and the State Coordinator;

C. On-site reviews will be conducted annually for those Local Health Departments not reviewed by the Division of Internal Audit, if they have a minority population of 10% or greater or require additional data concerning

the information obtained by the Division of Internal Audit or have a complaint issued against them or if other information indicates an on-site review. These on-site reviews will be conducted by the State Civil Rights Coordinator. Those Local Health Departments which, over a period of time, reflect few compliance problems may receive a lesser priority in terms of conducting Title VI reviews, or may be reviewed through desk audits;

- D. Desk Audits will be completed by the State Coordinator annually for those Local Health Departments which have less than 10% minority population;
- E. Periodic reports will be completed by Local Health Departments as required for review by the State Coordinator, which will contain data applicable to Title VI compliance matters;
- F. If compliance issues cannot be resolved with Local Health Departments and clinics, this jeopardizes the compliance status of the entire Department of Public Health.

2. Regional Health Departments and Clinics

Maintaining and assuring compliance in Regional Health Departments will be accomplished in the following manner:

- A. Each Regional Health Department will have an assigned Civil Rights Coordinator with the duties outlined in a previous section of this document;

B. The Division of Internal Audit of the Tennessee

Department of Public Health will conduct an on-site review of those facilities regularly visited each year utilizing a pre-printed form designed and approved by the Office For Civil Rights and the State Coordinator;

C. On-site reviews will be conducted annually for those Regional Health Departments not reviewed by the Division of Internal Audit if they have a minority population of 10% or greater or require additional data concerning the information obtained by the Division of Internal Audit or have a complaint issued against them or if other information indicates an on-site review. These on-site reviews will be conducted by the State Civil Rights Coordinators. A low priority is placed on conducting on-site reviews, or desk audits may be conducted of Regional Health Departments which, over a period of time, have reflected few compliance problems;

D. Desk Audits will be completed by the State Coordinator annually for those Regional Health Departments which have less than 10% minority population;

E. Periodic reports will be completed by Regional Health Departments as required for review by the State Coordinator, which will contain data applicable to Title VI compliance matters;

F. If Regional Health Departments, or any other entities owned or controlled by the Department refuse or fail to comply with the Title VI provisions, this jeopardizes the compliance status of the entire Department.

3. Hospitals and Clinics

Maintaining and assuring compliance for Hospitals which provide contractual services for the Tennessee Department of Public Health will be accomplished in the following manner:

A. Annually a form similar to Federal form OS/CR 501 or OS/CR 502 will be mailed to hospitals for completion prior to their regular review for license, certification, or re-certification. A desk review of the data on these forms will be completed by the State Coordinator. If no questionable data is found then approval for Title VI compliance will be provided to the Division of License and Certification in the Tennessee Department of Public Health. If questionable data is observed in the desk review, the Division of License and Certification will be requested to verify the data during their on-site review. When the Division of License and Certification returns the verified information to the State Coordinator, a review of the data will be completed to ascertain Title VI compliance. If compliance with Title VI exists, then the State Coordinator

will provide Title VI compliance approval for the hospital to the Division of License and Certification. If compliance with Title VI does not appear to exist after the review of the questionable data, then the State Coordinator will make an on-site review of the hospital. After the review, the State (Title VI) Coordinator will request, if warranted, that the hospital take steps to resolve all deficiencies or Title VI violations. The hospital will submit written documentation to the Department to substantiate that corrective actions have been taken. Subsequently, the Division of License and Certification will be apprised of the hospital's compliance or continuing compliance with Title VI. Written statements by the hospital will be verified at a later date. If differences cannot or will not be corrected by the hospital then Title VI approval will not be granted;

- B. In those hospitals where license, certification, or recertification is requested for Medicare and they also provide contractual services for the Tennessee Department of Public Health, the Title VI Compliance Review will be a joint effort between the Office For Civil Rights and the Tennessee Department of Public Health. The Office For Civil Rights will conduct initial reviews of all hospitals which jointly participate in Medicare and Medicaid, whereas the Department of Public Health will conduct the routine reviews of these

facilities. Title VI documentation on the reviews of hospital which jointly participated in Medicare and Medicaid will be exchanged between the Department of Public Health and Office For Civil Rights. The Office For Civil Rights maintains the responsibility for ascertaining the compliance status of facilities which participate in Medicare only. Similarly, the Department of Public Health has the responsibility regarding the initial and continuing compliance of Medicaid only facilities;

- C. On-site and/or desk audits will be completed on those hospitals which are indicated by complaints or other pertinent information by the State Coordinator if the Office For Civil Rights has no current information on the matter;
- D. If compliance issues will not or can not be resolved then State administered funds will be withheld and/or contracts cancelled until compliance is met or agreed upon in writing. Other State Agencies and the Office For Civil Rights will also be notified of this matter by the State Coordinator.

4. Nursing Homes

Maintaining and assuring compliance for Nursing Homes which provide contractual services for the Tennessee Department of Public Health will be accomplished in the following manner:

- A. Annually a form similar to Federal form OS/CF 502

will be mailed to nursing homes for completion prior to their regular review for license, certification, or re-certification. A desk review of the data on these forms will be completed by the State Coordinator. If no questionable data is found then approval for Title VI compliance will be provided to the Division of License and Certification in the Tennessee Department of Public Health. If questionable data is observed in the desk review the Division of License and Certification will be requested to verify the data during their on-site review. When the Division of License and Certification returns the verified information to the State Coordinator a review of the data will be completed to ascertain if Title VI compliance should be granted. If the nursing home is found in compliance with Title VI, the State Coordinator will notify the Division of License and Certification accordingly. If compliance with Title VI does not appear to exist after the review of the questionable data then the State Coordinator will make an on-site review of the nursing home. After the review, the State Coordinator will request, if warranted, that the nursing home take steps to resolve all Title VI deficiencies or violations. The nursing home will submit written documentation to the Department to substantiate that corrective actions have been taken. Subsequently, the Division of License and Certification will be apprised of the nursing

home's compliance or continuing compliance with Title VI. If differences cannot or will not be corrected by the nursing home then Title VI approval will not be granted;

- B. The Office For Civil Rights will conduct initial reviews of all nursing homes which jointly participate in Medicare and Medicaid, whereas the Department of Public Health will conduct the routine reviews of these facilities. Title VI documentation on the reviews of nursing homes which jointly participated in Medicare and Medicaid will be exchanged between the Department of Public Health and Office for Civil Rights. The Office For Civil Rights maintains the responsibility for ascertaining the compliance of facilities which participated in Medicare only. Similarly, the Department of Public Health has the responsibility regarding the initial and continuing compliance of Medicaid only facilities. In those nursing homes where license, certification, recertification is requested for Medicare and they also provide contractual services for the Tennessee Department of Public Health, the Title VI compliance will be a joint effort between the Office For Civil Rights and the Tennessee Department of Public Health;
- C. On-site and/or desk audits will be completed on those nursing homes which are indicated by complaints or other pertinent information by the State Coordinator if the Office For Civil

Rights has no current information on the matter;

- D. If compliance issues will not or can not be resolved then State administered funds will be withheld and/or contracts cancelled until compliance is met. Other State Agencies and the Office For Civil Rights will also be notified of this matter by the State Coordinator.

5. Physicians and Dentists

Maintaining and assuring compliance by physicians and dentists which provide contractual services for the Tennessee Department of Public Health will be accomplished in the following manner:

- A. Reviews of data from those programs which utilize physician and dentist services will be completed by the State Coordinator on a periodic basis. Information from this data will be utilized for requiring an on-site or desk audit by program personnel or the State Coordinator. The review will identify primary providers and then provision of services will be reviewed according to minority population of the area where the service is provided. Approximately 10% minority population in service area will be utilized as a beginning point for investigation of primary users;
- B. On-site and/or desk audits will be made by the State Coordinator when complaint or other pertinent data indicate;

C. Program personnel making visits to physicians or dentists offices will be requested to observe Civil Rights practices of the provider and report apparent or real violation to the State Coordinator;

D. If compliance issues will not or can not be resolved, then State administered funds will be withheld and/or contracts cancelled until compliance is met. Other State Agencies and the Office for Civil Rights will also be notified of this matter by the State Coordinator.

6. Tennessee Department of Public Health Programs

Maintaining and assuring compliance for those programs or services provided by the Central Office personnel of the Tennessee Department of Public Health will be accomplished in the following manner;

- A. Review of data in these programs by the State Coordinator will be completed on an annual basis;
- B. On-site reviews will be made as indicated by complaints and other pertinent data by the State Coordinator;
- C. Periodic on-site reviews will be completed by the State Coordinator;
- D. Compliance will be assured through the Commissioner of the Tennessee Department of Public Health.

The State Coordinator will also establish a means of communication with other State Agencies Civil Rights Coordinators for exchanging pertinent information.